

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LUCIANO TONELLI,	)	CASE NO. C05-0376-RSL-MAT
	)	
Plaintiff,	)	
	)	
v.	)	ORDER GRANTING PLAINTIFF'S
	)	MOTION FOR EXTENSION OF TIME
SARGENT AUTRY, et al.,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff is a Washington state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. Defendants have filed a motion for summary judgment, which is noted for consideration on October 28, 2005. (Doc. #31). Plaintiff has filed a motion for extension of time to file a response to defendants' motion for summary judgment. (Doc. #32). As reasons for the extension of time, plaintiff cites delays in using the prison law library. (*Id.*) Having considered plaintiff's motion and the balance of the record, the court does hereby find and ORDER:

(1) Plaintiff's motion for extension of time (Doc. #31) is GRANTED. Plaintiff shall file a response to defendants' motion for summary judgment no later than **November 25, 2005**. Defendants may file a reply by December 2, 2005, the new noting date set forth below. In

01 preparing his response to defendants' motion, plaintiff is reminded of the following:

02           When a party you are suing makes a motion for summary judgment that is  
03 properly supported by declarations (or other sworn testimony), you cannot simply rely  
04 on what your complaint says. Instead, you must set out specific facts in declarations,  
05 depositions, answers to interrogatories, or authenticated documents, as provided in  
06 Rule 56(e), that contradict the facts shown in the defendant's declarations and  
documents and show that there is a genuine issue of material fact for trial. If you do  
not submit your own evidence in opposition, summary judgment, if appropriate, may  
be entered against you. If summary judgment is granted, your case will be dismissed  
and there will be no trial.

07 *Rand v. Rowland*, 154 F.3d 952, 962-963 (9th Cir. 1998). Furthermore, plaintiff is reminded that  
08 he must serve a copy of the response on defendants and provide the court with a certificate  
09 showing such service, pursuant to Local Rule CR 5(f).

10           (2) The Clerk shall renote defendants' motion for summary judgment for consideration  
11 on December 2, 2005. The Clerk is directed to send copies of this Order to plaintiff, to counsel  
12 for defendants, and to the Honorable Robert S. Lasnik.

13           DATED this 20th day of October, 2005.

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16 Mary Alice Theiler  
17 United States Magistrate Judge  
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